

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - X  
:  
UNITED STATES OF AMERICA :  
:  
- v. - : SEALED INFORMATION  
:  
LIN FEI ZHANG :  
:  
S1 18 Cr. 396 (NSN)  
Defendant. :  
:  
- - - - - X

COUNT ONE  
(Conspiracy to Traffic in Contraband Cigarettes and Smuggle  
Cigarettes)

The United States Attorney Charges:

1. From at least in or about June 2013 up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, LIN FEI ZHANG and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 545 and 2342.

2. It was a part and an object of the conspiracy that LIN FEI ZHANG, the defendant, and others known and unknown, did knowingly ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit, a quantity of more than 10,000 cigarettes, which bore no evidence

of the payment of applicable State cigarette taxes in the State of New York.

3. It was further a part and an object of the conspiracy that LIN FEI ZHANG, the defendant, and others known and unknown, did smuggle and clandestinely introduce into the United States merchandise which should have been invoiced, to wit, approximately 93,615 cartons of cigarettes with an approximate value of \$7.4 million.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about May 26, 2016, LIN FEI ZHANG, the defendant, picked up approximately 19 parcels from a post office located at 50 Canal Street, New York, NY 10013.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Trafficking in Contraband Cigarettes)

The United States Attorney further charges:

5. From at least in or about June 2013 up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, LIN FEI ZHANG, the defendant, did knowingly ship, transport, receive, possess,

sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit, a quantity of more than 10,000 cigarettes, which bore no evidence of the payment of applicable State cigarette taxes in the State of New York.

(Title 18, United States Code, Sections 2342 and 2.)

COUNT THREE

(Smuggling Goods into the United States)

The United States Attorney further charges:

6. From at least in or about June 2013 up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, LIN FEI ZHANG, the defendant, willfully and knowingly and with intent to defraud the United States, did smuggle and clandestinely introduce into the United States merchandise which should have been invoiced, to wit, approximately 93,615 cartons of cigarettes with an approximate value of \$7.4 million.

(Title 18, United States Code, Sections 545 and 2.)

COUNT FOUR

(Identity Theft)

The United States Attorney further charges:

7. From at least in or about June 2013 up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, LIN FEI ZHANG, the defendant, willfully and knowingly would and did transfer,

possess, and use, without lawful authority, in and affecting interstate and foreign commerce, a means of identification of another person with the intent to commit, and to aid and abet, and in connection with, an unlawful activity that constitutes a violation of federal law, to wit, conspiracy to traffic in contraband cigarettes and smuggle cigarettes, in violation of Title 18, United States Code, Section 371, as charged in Count One of this Information, and as a result of the offense, obtained something of value aggregating \$1,000 and more during any one-year period.

(Title 18, United States Code, Sections 1028(a)(7), (b)(1)(D), and 2.)

COUNT FIVE  
(Misuse of Passports)

The United States Attorney further charges:

8. From at least in or about June 2013 up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, LIN FEI ZHANG, the defendant, willfully and knowingly used and attempted to use Chinese passports, which passports had been issued and designed for the use of another person, to wit ZHANG used, attempted to use, and aided and abetted the use of, Chinese passports in the names of co-conspirators not named herein to open P.O. boxes at post offices and commercial mail receiving agencies for the

purpose of receiving contraband cigarettes.

(Title 18, United States Code, Sections 1544 and 2.)

COUNT SIX  
(Aggravated Identity Theft)

The United States Attorney further charges:

9. From at least in or about June 2013 up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, LIN FEI ZHANG, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, ZHANG used and aided and abetted the use of passports and passport numbers of other individuals in connection with the offense charged in Count Five of this Information, knowing that these means of identification belonged to other people.

(Title 18, United States Code, Sections 1028A(a)(1),  
(b)(2), and 2.)

COUNT SEVEN  
(Obstruction of the Due Administration of Justice)

The United States Attorney further charges:

10. In or around January 2018, in the Southern District of New York and elsewhere, Lin Fei Zhang, the defendant, did corruptly influence, obstruct and impede or endeavor to influence, the due administration of justice in

United States v. Lin Fei Zhang, et al., No. 18 Mag. 9495, in the U.S. District Court for the Southern District of New York, by intentionally destroying evidence.

(Title 18, United States Code, Sections 1503 and 2.)

COUNT EIGHT

(False Statement on Loan and Credit Applications)

The United States Attorney further charges:

11. On or about January 27 2017, in the Eastern District of New York, Lin Fei Zhang, the defendant, knowingly made a false statement or report or willfully overvalued land, property, or security for the purpose of influencing the action of an institution or other covered entity, that is insured by the federal Government, in connection with an application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, in that the defendant falsely represented his employment and salary information, when in truth and in fact, as the defendant well knew, the information provided about his employer and salary was false.

(Title 18, United States Code, Sections 1014 and 2.)

FORFEITURE ALLEGATIONS

12. As a result of committing the offense alleged in Count.One of this Information, LIN FEI ZHANG, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and 2344(c), Title 28,

United States Code, Section 2461(c), and Title 49, United States Code, Section 80303, any and all property, real and personal, which constitutes or is derived from proceeds traceable to said offense; any and all contraband cigarettes or contraband smokeless tobacco involved in said offense; and any and all aircraft, vehicles and vessels used to transport, conceal, possess, or facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange or giving away, of contraband cigarettes involved in said offense; and, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all property constituting or derived from proceeds obtained directly or indirectly as a result of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.

13. As a result of committing the offense alleged in Count Two of this Information, LIN FEI ZHANG, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 2344(c), Title 28 United States Code, Section 2461(c), and Title 49, United States Code, Section 80303, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense; any and all contraband cigarettes or contraband smokeless tobacco involved in said offense; and any

and all aircraft, vehicles and vessels used to transport, conceal, possess, or facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange or giving away, of contraband cigarettes involved in said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.

14. As a result of committing the offense alleged in Count Three of this Information, LIN FEI ZHANG, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all property constituting or derived from proceeds obtained directly or indirectly as a result of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.

15. As a result of committing the offense alleged in Count Five of this Information, LIN FEI ZHANG, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6), all conveyances, including any vessel, vehicle, or aircraft, used in the commission of said offense; all property, real and personal, that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense; and all



property, real or personal, that was used to facilitate, or was intended to be used to facilitate, the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.

16. As a result of committing the offense alleged in Count Seven of this Information, Lin Fei Zhang, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant personally obtained.

17. As a result of committing the offense alleged in Count Eight of this Information, Lin Fei Zhang, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount

of proceeds traceable to the commission of said offense that the defendant personally obtained.

Substitute Assets Provision

18. If any of the above-described forfeitable property, as a result of any act or omission of LIN FEI ZHANG the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;  
or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property described above.

(Title 18, United States. Code, Sections 981, 982 and 2344;  
Title 28, United States Code, Section 2461;  
Title 21, United States Code, Section 853; and  
Title 49, United States Code, Section 80303)

  
GEOFFREY S. BERMAN  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

LIN FEI ZHANG

Defendant.

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SEALED INFORMATION

18 Cr. \_\_\_\_ (\_\_\_\_)

(18 U.S.C. §§ 371, 545, 1014, 1028(a)(7)  
and (b)(1)(d), 1028A, 1503, 1544, 2342  
and 2)

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GEOFFREY S. BERMAN  
United States Attorney.

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